THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19697 OF 1999

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Dated: 22nd August, 2005.

Between :

D.P.Chennaiah

… Petitioner

and

1. The Presiding Officer, Labour Court,

Ananthapur District and another

… Respondents

ORDER:

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This writ petition is filed by the Workman being aggrieved by the award made in I.D.No.160 of 1995, dated 12-11-1997, on the file of the Industrial Tribunal-cum-Labour Court, Anantapur, insofar as denying the continuity of service, back wages and other attendant benefits.

2. It is the case of the petitioner that he was appointed as a Conductor in Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C) with effect from 10-01-1991. While he was conducting bus bearing No.AEZ-9114 on the route Chengalamarry to Kurnool via Rudraram on 22-07-1993, a check was exercised by the checking officials and certain cash and ticket irregularities were found. Basing on the same, a charge-sheet was issued by the second respondent-Depot Manager, A.P.S.R.T.C., Allagadda Depot, Kurnool District (for short, 'Management'), on 27-07-1993. After completing all the formalities and after conducting a detailed enquiry into the matter, proceedings dated 21-10-1993 were issued by the second respondent

terminating the petitioner from service. Aggrieved by the same, the petitioner raised a dispute and filed a claim petition under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short, 'the Act') before the Labour Court, which was taken up on file as I.D.No.160 of 1995. The Labour Court, after elaborate consideration of the matter, came to the conclusion that removal from service is harsh and severe and disproportionate when compared to the proved technical misconduct, therefore, directed reinstatement of the petitioner into service afresh. Aggrieved by the same, the present writ petition is filed on the ground that the Labour Court has not properly considered the facts and circumstances of the case and also failed to properly exercise its jurisdiction vested under Section 11A of the Act in granting relief of continuity of service, back wages etc.

3. I have given my earnest consideration to the respective submissions made by the learned Counsel on either side, perused the award under challenge and other material made available on record.

4. The Labour Court has rightly come to the conclusion that charge No.4 was not proved. Further, the Labour Court, while appreciating the evidence against charges 1 to 3, held that it is not a case where the petitioner-Workman was found reselling those tickets on a subsequent date inspite of accounting them in the Statistical Return. Therefore, at best, it can be said that the petitioner might have made preparation, but the Management did not wait till he attempted to commit the misconduct of resale. Therefore, the maximum punishment of removal is harsh, severe and disproportionate when compared with the proved technical misconduct. The Labour Court itself has taken a lenient view of the matter. In fact, the petitioner-Workman did not punch as many as 100 tickets of one rupee denomination. He has not punched them and issued them as it is and submitted a lame excuse that the puncher was not available; therefore, he did not do so. This explanation submitted by the petitioner-Workman was most atrocious. However, the Labour Court directed reinstatement of the petitioner-Workman while exercising its powers under Section 11A of the Act. In the facts and circumstances of the case, it does not inspire confidence of the Court to grant any further relief to the petitioner-Workman than what was granted by the Labour Court.

5. In the result, the writ petition is devoid of merits and is liable to be dismissed, accordingly dismissed. No order as to costs.

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C.V. RAMULU, J

22nd August, 2005.

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